2005 - 2006

Annual Report

Child & Youth Advocate

Honourable Janis Tarchuk
Minister of Children and Youth Services
Executive Branch
228 Legislature Building
10800 97 Avenue NW
Edmonton, Alberta
T5K 2B6

Dear Minister:

I am pleased to present you with the Annual Report of the Child and Youth Advocate. This Report covers the fiscal year ending March 31, 2006, during which your colleague, the Honourable Heather Forsyth, served as Minister of Alberta Children's Services.

Yours sincerely,

John Mould
Child and Youth Advocate

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Notes Regarding our Use of Terms in this Report

The Name of Our Office
With the coming into force of the *Child, Youth and Family Enhancement Act* in November 2004, the "Children's Advocate" became the "Child and Youth Advocate." We have used Office of the Child and Youth Advocate, and its abbreviation OCYA, throughout.

References to Aboriginal Young People
When a discussion applies to a specific group – First Nations, Non-status Indians, Métis, or Inuit young people – we have made that clear. In other instances, we have used the inclusive term "Aboriginal."

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Message from the Child and Youth Advocate

Legislation gives the child intervention system extensive authority to intervene and to restrict the individual rights and freedoms of those it serves. This authority can disempower children and youth whose developmental stage, or the impact of experiences that brought them into care, or the effort it takes to adjust to being in care, limits their ability to speak for themselves. The reality is that it is far more intimidating for children and youth in care to question a decision made by the Director than it is to challenge a similar decision made by a natural parent. For this reason, it is important to ensure there is an obvious framework that guides decision-making processes and services provided to children and youth in care and that ensures there are options available for children and youth to challenge decisions.

The ability to question is critical to the normal growth and development of all children and youth. "A rigid boundary between childhood and adulthood is not consistent with the reality of achieving maturity; growing up is a process, not an event, a protracted process that should include the experience of some liberty and responsibility as an important part of becoming an adult."(1) Children and youth in care must have access to opportunities that promote basic participation and that provide specific enforceable means to be heard when they disagree with decisions made about them. With respect to the latter, one of the most important resources available to children and youth in care is something called the Administrative Review.

An Administrative Review is "a formal process that allows for an internal review of a decision of the Director when a child, youth, family or caregiver disagrees with a decision of the Director. The person who is directly affected by the Director's decision may request an Administrative Review."(2) By its very definition, the Administrative Review process encourages participation and provides the opportunity for children and youth to question decisions, propose their own alternatives, and make a case for fairness - processes key to their normal growth and development.

"Children and youth in care must have access to opportunities that promote basic participation and that provide specific enforceable means to be heard when they disagree with decisions made about them."

(1) Hegar, R.L. "Empowerment-Based Practice with Children." *Social Service Review* 63(3), 1989.

(2) Alberta Children's Services Enhancement Policy Manual

Based on the feedback from the children and youth our Office has assisted with Administrative Reviews, we believe the process is a valuable asset to promote the empowerment of children and youth in the system and a critical tool to support a rights-based approach to child welfare practice that gives children and youth a voice. "A child who is capable of forming an opinion is entitled to an opportunity to express that opinion on matters affecting the child, and the child's opinion should be considered by those making decisions that affect the child."[3]

As the "substitute parent" of the children and youth in its care, the intervention system has an enormous responsibility to help its charges overcome the impact of troubling life experiences and make a successful transition to healthy, independent adulthood through graduated experiences with independence and decision making. The availability of, and encouragement to use, Administrative Reviews is one effective means to that end.

(3) *Child, Youth and Family Enhancement Act*, Matters to be considered 2(d). See Appendix C.

Resources

Budget

Individual and Systemic Advocacy	$2,591,000
Community Advocacy Initiative	$347,000
Legal Representation for Children and Youth	$643,000
Total	$3,581,000

Legal Representation for Children and Youth Service

During the year, a project team was assembled to develop a service to appoint and pay lawyers to represent children and youth in matters pertaining to the *Child, Youth and Family Enhancement Act* and the *Protection of Children Involved in Prostitution Act (PChIP)*. A temporary information system was developed within the OCYA and the infrastructure was established to support and deliver legal appointment services effective April 1, 2006.

Advocacy Services

A new information system was developed to replace the primary system supporting individual advocacy services and was implemented in December 2005. Considerable staff time was committed to building, testing and implementing the System for Individual Advocacy Management (SIAM). The new system was successfully implemented and was well received by advocacy services staff.

Individual Advocacy

Children Served

Children served in 2005-2006	
Active as of April 1, 2005	512
New children in 2005-2006	3179
Total children served in 2005-2006	3709
Active as of April 1, 2006	624

Comparison with children served in previous years	
Total children served in 2003-2004	4087
Total children served in 2004-2005	3735
Total children served in 2005-2006	3709

Referral Source	
Self-referral	728
Third Party	2256
Mandatory	676
Own Motion*	24
Anonymous	25
Total	**3709**

A reporting change was made for referral source information in this fiscal year. A source of referral for each child is reported, as opposed to a referral source for each case.

*"Own Motion" referrals are those initiated by the Office

Demographics

Racial Origin	
Caucasian	1657
Aboriginal	1551
Unknown	321
Mixed Race	103
Asian	23
Black	33
East Indian	21
Total	**3709**

Ages of Children Served	
0-5 years	641
6-11 years	1034
12-17 years	1726
18-21 years	287
Over 21 years	14
Unknown	7
Total	**3709**

The categories within Ages of Children Served changed in this reporting year to reflect changes in the ages of children served under the *Child, Youth*

Systemic Advocacy

Introduction

In addition to the charge to "represent the rights, interests and viewpoints of children who receive services under this Act or the *Protection of Children Involved in Prostitution Act*,"[4] the *Child, Youth and Family Enhancement Act* also assigns the Office of the Child and Youth Advocate (OCYA) responsibility to "advise the Minister on matters relating to the welfare and interests of children who receive services under this Act or the *Protection of Children Involved in Prostitution Act* and the provision of those services."[5] This second major function, referred to as systemic advocacy, operates in several ways.

The OCYA reviews its case advocacy activity within each Child and Family Services Authority (CFSA) and Delegated First Nation Agency (DFNA) on a quarterly basis and provides the appropriate CFSA or DFNA and the Minister with a report that identifies patterns and themes in the delivery of child intervention services. Frontline advocates offer to meet with each CFSA and DFNA to discuss these reports.

The OCYA has regular opportunities to review and comment on existing as well as newly developing policy in the child intervention service. Increasingly, these opportunities come as a result of the OCYA's participation at the Provincial Enhancement Table – a standing committee with representation from all CFSAs, DFNAs and the Ministry.[6]

Informed by case advocacy activity on a provincial basis, the OCYA identifies possible systemic issues – situations where policies, programs and/or practice do not achieve what the Department had intended for children and youth[7] served. The OCYA gathers information to clarify the potential issue and then strategizes means to seek a resolution by bringing the matter to the attention of the System.

(4) *Child, Youth and Family Enhancement Act*, 2000, Section 3(3)(c). See Appendix B.

(5) *Child, Youth and Family Enhancement Act*, 2000, Section 3(3)(a). See Appendix B.

(6) "The overarching purpose of the Provincial Intervention Table is to bring child intervention expertise from across the Province to work together on improving outcomes for the children and families served in Alberta. This will be done by shaping practice and policy and promoting shared learning opportunities through Provincial, national, and international experiences and best practice information." Provincial Child Enhancement Table, Terms of Reference, Nov. 2004

(7) The OCYA uses the term "children" to refer to people under the age of 12 and the term "youth" to refer to those between the ages of 12 and 18.

Policy Definition of Permanency and Its Interpretation in Practice

The Office of the Child and Youth Advocate (OCYA) raised concern in the 2004/2005 Annual Report about a definition of permanency[8] found in policy that guides implementation of the Child, Youth and Family Enhancement Act.

As stated in the 2004/2005 Report, "The OCYA supports, without reservation, the intention to achieve permanency for children in care in a timely manner...." However, we argued that the definition of permanency (which excludes placement in the care of the Director) may, for some children and youth, undermine the very objective it is intended to achieve.

After the OCYA raised this issue at the Provincial Enhancement Table several times, in February 2005 the Table acknowledged that, despite best efforts, some young people will remain in the care of the Director until they transition to the adult world. The current definition of permanency as "a placement outside the care of the Director" does not include these children. The Child and Family Services Branch agreed to attempt to draft policy to expand the definition of permanency. As of March 2006, there has been no further development in this area.

In its response to the 2004/2005 Annual Report, the Department wrote, "It is important to periodically review the services provided to a child to ensure that they continue to meet his or her needs." Some CFSAs interpret this "review" to mean that caseworkers should consider any potential permanent placement outside of the Director's care as an option. Other CFSAs apply the best interest test to the circumstances of the child/youth and, if the results conclude that the child/youth is best served in the care of the Director, do not explore other placement options. Clarification about what "periodic review" entails, and what permanence options are available to caseworkers, is needed to ensure consistent practices across Alberta.

(8) The policy states, "Permanency is redefined to include a placement other than in the care of the Director."

The difference in approaches may appear subtle but the ramifications are significant. In the first approach, the test has shifted from "is this the best arrangement for this child at this time?" to "is there a potential placement outside of the Director's care?". The original concept of the Long-term Foster Care Agreement (LTFCA) – which, for all intents and purposes, is permanency in the care of the Director – was to provide some assurance of placement stability to children for whom the preferred permanency options of placement outside the Director's care were not available or not appropriate. The new definition of permanence and the differing understanding of practice expectations given this definition have compromised the intent of the LTFCA. There are several examples where the Director has reneged on an LTFCA – against the wishes of the caregiver and the child – without convincing evidence that it was done in the best interest of the child.

The Department has advised the OCYA that if a best interest conclusion finds that a child/youth is best served by staying in the Director's care, the existing placement will be maintained despite the formal definition of permanency. Our opinion is that this intent should be reflected in policy and in the practice direction given to the service delivery system. Given that some children and youth will remain in care until they are emancipated, there must be clear mechanisms available to provide these children and youth with as much stability and continuity as possible

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Restrictive Procedures and Intrusive Measures

The OCYA raised several issues in the 2004/2005 Annual Report with respect to the lack of clarity around the terminology, the need for comprehensive procedures for all restrictive procedures and intrusive measures, and the absence of expectations for monitoring the use of restrictive procedures and intrusive measures. The Ministry's response did not address the issues raised.

It is the OCYA's position that restrictive procedures and intrusive measures are distinct and separate matters, although the terms are often used interchangeably. Nowhere in Ministry policy or regulation are these terms defined. Nor is there a comprehensive identification of the activities considered to be restrictive measures and intrusive procedures. Provincial direction on what restrictive procedures and intrusive measures are, and are not, allowed, is not adequate. For those restrictive procedures and intrusive measures that are allowed, there are inadequate methods in place to bring accountability to their use.

The Ministry has suggested that whatever additional controls are needed will be provided under the standards attached to accreditation. A comparative review of the standards of various accrediting bodies (the Canadian Accreditation Council of Human Services, the Canadian Council on Health Services Accreditation, the Council on Accreditation and the Commission on Accreditation of Rehabilitation Facilities) discloses several problems with this response as seen below.

- The Department has no direct control over the content of the standards attached to accreditation.
- Standards vary substantially from one accrediting body to another.
- There are significant discrepancies between accrediting standards in terms of the degree of detail provided and the specific content. For example: some standards limit physical restraint only to prevent physical harm while others include preventing property damage; some standards imply the possibility of chemical restraint while others specifically prohibit the practice; some standards deal with 'searches' as a form of intrusive measure while others make no reference; and, some standards outline follow-up steps to the use of interventions and others do not.

We repeat the call made in the 2004/2005 Annual Report for the development of a comprehensive philosophical and procedural framework to guide the application of restrictive procedures and intrusive measures. The OCYA would like to see clear definitions that explain what is meant by "restrictive procedures" and "intrusive measures" as well as clear provincial direction that considers alternatives to restrictive procedures and intrusive measures, and distinguishes between their use as part of a planned intervention versus an emergent short-term response to safety issues, along with an outline of what is acceptable in each context. This would include the development of procedural safeguards to control the use of restrictive procedures and intrusive measures. The final component of that framework would include a system of accountability for the allowable use of restrictive procedures and intrusive measures, including:

- clear expectations about reporting the use of restrictive procedures and intrusive measures
- processes to review the use of restrictive procedures and intrusive measures – e.g. frequency, and effectiveness
- clearly-outlined mechanisms for children and youth to challenge decisions about the use of restrictive procedures and intrusive measures
- an independent review process to examine situations that result in injury from the use of restrictive procedures and intrusive measures.

"We repeat the call made in the 2004/2005 Annual Report for the development of a comprehensive philosophical and procedural framework to guide the application of restrictive procedures and intrusive measures."

Allegations of Maltreatment of Children and Youth in Care

The underlying belief when we remove a child or youth from his or her home is that the parent is not able to provide the necessities of survival, security and development and that placing the child or youth into care is a necessary and safer alternative. There is a general presumption that the in-care situation should not only be better than the living situation from which the child or youth was removed but also that the standard of care provided to that child or youth while in care should meet or surpass community standards.

The experience of child welfare jurisdictions across North America is that occasionally children and youth are harmed while in care or are provided with a level of care that does not meet expected standards – despite extensive efforts to ensure otherwise.

Historically, the child welfare system in Alberta responded to allegations that a child or youth might be in need of protection without formally distinguishing whether the allegation concerned a child or youth not known to the service system or a child or youth already in the care of the Ministry.

There is a growing recognition that there are important contextual differences between these circumstances and that these differences need to be reflected in policy, procedure and practice. Many CFSAs and DFNAs are making this distinction at the service delivery level: for example, the term "quality of care concerns" has emerged in some CFSAs and DFNAs to describe situations in which the standard of care in an in-care placement may have fallen below an acceptable standard. However, lack of provincial direction has resulted in considerable confusion within the child welfare service delivery sector about terminology, about processes used to investigate allegations concerning in-care placement resources, and about recording the concerns on the Ministry's information system.

We urge the Department to develop policy, procedures and practices that reflect the differences between allegations concerning children and youth who are in care and those who are not known to the service system and that clarify the associated practice and recording expectations.

Effective Service to Adolescents

The child welfare field of practice and the profession of Social Work (which is most commonly the professional affiliation of people who do child welfare practice) have long recognized that effective work with children and youth needs to be informed by an active awareness of child development pedagogy. "Ages and stages" material is core content in the training of social workers and is an essential underpinning of child protection practice.

In the experience of the OCYA, it is service to youth that most often strains the effective marriage of theory and practice. Simply stated, the developmental challenge of adolescence is identity formation and, if this premise is accepted, there are several widely understood consequences. Rebellion and rejection of parental norms are to be expected. This, in turn, leads to a challenging of authority. Having said this, it is critical for the child intervention system to put an understanding and context around this reality; there is a need to match expectation and capacity in service plans.

"With adolescents, the superficial observation of their behaviour may convey the idea that what they desire is discontinuation of parental relationships rather than their preservation and stability. Nevertheless, this impression is misleading in this simple form. It is true that their revolt against any parental authority is normal developmentally since it is the adolescent's way toward establishing his own independent adult identity. But for a successful outcome it is important that the breaks and disruptions of attachment should come exclusively from his side and not be imposed on him by any form of abandonment or rejection on the psychological parent's part."[9]

It takes courage and steadfastness for any parent (natural, alternate, or institutional) to "be there" patiently for children as they go through this turbulent transition to adulthood. The challenge is exacerbated when the parent is an institutional service delivery system whose very existence is predicated on the protection of the young people under its care. The challenge is magnified, yet again, when the life experiences of the children lead them to mistrust adults and when the children's overwhelming insecurities lead them to test, again and again, the assurances and offers of the adults working with them.

This set of dynamics too often leads the service delivery system to try to impose its judgements and priorities on young people in an attempt to fulfill its mandate to keep them safe. Young people may feel that this reaction is exclusionary to their participation or is uncaring and rejecting. The end result can be that the system loses all influence with the young people; the young person votes with his feet and runs from care, or the system and gets locked in a destructive cycle characterized by intensified reaction and control by the system, followed by rebellion and increased acting out by the young person.

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(9) Goldstein, J., Freud, A., & Solnit, A.J. *Beyond the Best Interests of the Child.* New York: The Free Press, 1973.

Interestingly, our failures with the most challenging youth (e.g., "high risk youth") are leading to a reappraisal of our practice approach and some promising alternatives. *The Word on the Street*, the 2005 report of the High Risk Youth Task Force in the Edmonton Region, makes a number of very promising recommendations.

The system would be well served to look at the emerging trends in services to high risk youth and incorporate some of the following recommended service modalities to all adolescents in care.

- Emphasize youth participation in service planning.
- Stress relationship building with young people.
- Tailor expectations to youth's developmental, rather than chronological, age.
- Extend transitional services beyond age 20, rather than terminating transitional services early for "non-compliance."

Every child deserves to have the stability and security to move through the developmental stages at his or her own pace. We know that the in-care experience compounds the turbulent transition to adulthood. The OCYA would like recognition of this fact written into care plans by caseworkers. It is critical that caseworkers work with adolescents in care to put words to what is impeding their growth and find ways to help them move forward to successfully transition to healthy, independent adulthood. Effective service to adolescents requires that adolescents are respected for their differences and treated accordingly.

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• Tailor expectations to youth's developmental, rather than chronological, age

• Extend transitional services beyond age 20, rather than terminating transitional services early for "non-compliance."

Appendices

Appendix A:

Advocacy as Practised by the Office of the Child and Youth Advocate

There are two key assumptions that underlie the original development and the ongoing operation of the Office of the Child and Youth Advocate (OCYA).

- Children and youth have certain rights and interests, some generic and some pertaining to their status in the child welfare system, the operationalization of which may require specific supports focused specifically on the child.
- The empowerment of children and youth through promoting their active participation in the planning and decision-making process is a potent process that enhances both the quality of decision-making within the system and the healthy development of those young people served by the system.

With respect to the first point we acknowledge that that there are many people who may, and in fact do, effectively advocate for young people receiving services from the Intervention System. These include parents, caseworkers, caregivers, therapists, etc. However there are many situations in which such parties' ability or effectiveness in advocating for children is limited. For example, parents may be alienated from their children, or may have diminished capacity to effectively deal with formal institutional systems due to their own personal problems or disadvantaged situations. Caseworkers may be compromised in advocating for youth when as decision makers a best interest test leads them to make decisions which are strongly opposed by such youth.

Additionally, it is widely recognized that bureaucratic organizations, despite the best efforts of committed people within them, get diverted from the stated service aims of the institution.

The intervention/enhancement system is vested with far-reaching authority to impact the lives and experiences of the children it serves. It has the potential to make decisions that are far more intrusive and involve far greater curtailment of liberty than would be the case for parents in a normal family setting. The impact of a system with such potential authority can be to disempower children who by their nature and experiences already have diminished capacity to advance their own cause.

For all of these reasons it was felt important to provide a resource to children and youth receiving Intervention Services that focused exclusively on protecting their rights and interests and supporting their participation in the system.

Role of the OCYA

The Office of the Child and Youth Advocate was originally established through an amendment to the *Child Welfare Act* (1989) and now continues under the *Child, Youth and Family Enhancement Act*. The two primary responsibilities of the office are:

- to represent individual children and youth served under the *Child, Youth and Family Enhancement Act* and the *Protection of Children Involved in Prostitution Act* (case advocacy)
- to provide information and advice to the Minister and the Minister's staff with respect to the welfare and the interests of, and the provision of services to, the children and youth who receive services under the *Child, Youth and Family Enhancement Act* and the *Protection of Children Involved in Prostitution Act* (systemic advocacy).

The Office carries out the case advocacy function by protecting the rights and advancing the interests and viewpoints of young people receiving services. If an Advocate is involved with a youth who is able to provide instruction, a viewpoint focus will be taken. The Advocate will align him/herself with the youth and assist him/her to participate in the decision-making process toward the outcomes the youth has identified. Based on an essential understanding by all parties that the Advocate has no decision-making authority, the Advocate comes to the process as a partisan support for the youth. This is based on the underlying assumption that decisions will be better informed if made with active reference to the expressed views of the youth, and that the youth's supported participation can assist him or her to be heard by the bureaucracy which has the authority to make life-shaping decisions on his or her behalf. Understanding the absence of decision-making authority on the part of the Advocate, and understanding that the child's right to be heard is not tantamount to a right to decide, are critical in appreciating the Advocate's role.

If an Advocate is involved with a child who is unable to provide instruction, the Advocate will take an interest focus. The focus of advocacy will be to insure all available information is considered in decision-making processes and that decisions take into account active reference to the young person's interests including those referenced in the "Matters to be considered" section of the *Child, Youth and Family Enhancement Act*.

Systemic advocacy work pools the experience gained from case advocacy activities in identifying and assessing issues and deficiencies in how youth experience services received, and communicating these to those responsible in the service delivery system for the refinement of policy and/or for enhancing the effectiveness of practice.

Principles and Values

Within the OCYA the delivery of advocacy services is guided by a set of articulated principles and values. It is expected that these influence not only the structure and operation of the Office in general but also the activity and behavior of individual Advocates. These include the following:

- Empowerment – Advocacy has as a prime focus, the empowerment of the young person to speak for him/herself and to participate in planning and decision-making
- Child Focused Practice – The young person is the client of the Child and Youth Advocate. This requires compassion, respect and empathy for the young person's perspective
- Advocacy is a Shared Responsibility – The involvement and assumption of responsibility by the community are key considerations. The goal is to involve, empower and support, rather than to replace or supplant natural advocates
- Eschewing Authority – An Advocate's effectiveness depends on the quality and cogency of facts, upon persuasion, and upon access to progressive levels of individual decision makers and decision-making processes rather than the authority to dictate outcomes. This implies sharing of information, the encouragement of and respect for diversity of opinion, and the absence of a win-lose view of problem solving
- Informality – An informal, non-intrusive style is key to effective advocacy. Informally negotiated, collaborative strategies, at the organizational level closest to the child, are the preferred approaches to problem resolution – not formal or adversarial processes. However the Advocate's obligation to the young person may require strategies which involve progressively higher levels of organizational authority or which resort to more formal mechanisms such as courts or appeal panels
- Holistic Perspective – Decision-making about the life of an individual can benefit from a variety of perspectives, disciplines, and values that consider the whole person in his/her environment.

Appendix B:

Child, Youth and Family Enhancement Act – Office of Child and Youth Advocate

This excerpt from the Act describes the structure and duties of the OCYA.

3(1) The Lieutenant Governor in Council may, on the recommendation of the Minister, appoint a Child and Youth Advocate, who shall hold office for a term not exceeding 5 years.

(2) The Minister may authorize and provide for the payment of the remuneration and expenses of the Child and Youth Advocate and for the office and staff of the Child and Youth Advocate.

(3) The Child and Youth Advocate shall

(a) advise the Minister on matters relating to the welfare and interests of children who receive services under this Act or the *Protection of Children Involved in Prostitution Act* and the provision of those services;

(b) receive and review complaints or concerns that come to the attention of the Child and Youth Advocate respecting children who receive services under this Act or the *Protection of Children Involved in Prostitution Act*;

(c) represent the rights, interests and viewpoints of children who receive services under this Act or the *Protection of Children Involved in Prostitution Act*;

(d) facilitate the involvement of family or community members in assisting in advocating for a child who is receiving services under this Act or the *Protection of Children Involved in Prostitution Act*;

(e) perform additional duties and functions that are conferred on the Child and Youth Advocate by the regulations or that are from time to time assigned to the Child and Youth Advocate by the Minister;

(f) submit a report to the Minister every 3 months on the Child and Youth Advocate's activities and observations;

(g) prepare and submit annual reports to the Minister respecting the exercise of the duties and functions of the Child and Youth Advocate.

(4) On receiving a report under subsection (3)(g), the Minister shall lay a copy of the report before the Legislative Assembly if it is then sitting, and if not, within 15 days after the commencement of the next sitting.

(5) For the purpose of performing the duties and functions of the Child and Youth Advocate, the Child and Youth Advocate may

(a) communicate with and visit a child who is receiving services under this Act or the *Protection of Children Involved in Prostitution Act* or a guardian or other person who represents the child;

(b) have access to information relating to a child that is in the possession of a director under this Act or under the *Protection of Children Involved in Prostitution Act* or other person or agency providing services to a child on behalf of a director under this Act or under the *Protection of Children Involved in Prostitution Act*;

(c) at the request of a child who is receiving services under this Act or the *Protection of Children Involved in Prostitution Act*, the Minister or any person acting on the child's behalf, review and make recommendations regarding any matter relating to the provision of services to the child under this Act or the *Protection of Children Involved in Prostitution Act;*

(d) provide information relating to, speak on behalf of and otherwise represent a child who is receiving services under this Act or the *Protection of Children Involved in Prostitution Act* when major decisions relating to the child are being made under this Act or the *Protection of Children Involved in Prostitution Act*;

(e) on the initiative of the Child and Youth Advocate or at the request of a child who is receiving services under this Act or the *Protection of Children Involved in Prostitution Act*, assist in appealing or reviewing a decision of a director relating to the child;

(f) provide assistance and advice to an Appeal Panel or a Court with respect to a child who is receiving services under this Act or the *Protection of Children Involved in Prostitution Act.*

(6) The Child and Youth Advocate may delegate any duty or function conferred or imposed on the Child and Youth Advocate under this Act, the *Protection of Children Involved in Prostitution Act* or the regulations under either Act in respect of a child

(a) to a person employed or engaged in the administration of this Act or the *Protection of Children Involved in Prostitution Act*,

(b) to a person who provides care to the child, represents the child or is concerned about the welfare of the child, or

(c) to a family or community member referred to in subsection (3)(d) who is assisting in advocating for the child.

RSA 2000 cC-12 s3;2003 c16 s6;2004 c16 s3

Appendix C:

Child, Youth and Family Enhancement Act – Matters to be considered

This excerpt from the Act describes the philosophical and value framework to be applied when any decision is made in relation to children who are considered to be in need of protection. It is important in that it not only sets out the overriding "best interest test" but also provides more specific considerations to help guide decision-making.

2 If a child is in need of intervention, a Court, an Appeal Panel and all persons who exercise any authority or make any decision under this Act relating to the child must do so in the best interest of the child and must consider the following as well as any other relevant matter:

(a) the family is the basic unit of society and its well-being should be supported and preserved;

(b) the importance of stable, permanent and nurturing relationships for the child;

(c) the intervention services needed by the child should be provided in a manner that ensures the least disruption to the child;

(d) a child who is capable of forming an opinion is entitled to an opportunity to express that opinion on matters affecting the child, and the child's opinion should be considered by those making decisions that affect the child;

(e) the family is responsible for the care, supervision and maintenance of its children and every child should have an opportunity to be a wanted and valued member of a family, and to that end

(i) if intervention services are necessary to assist the child's family in providing for the care of a child, those services should be provided to the family, insofar as it is reasonably practicable, in a manner that supports the family unit and prevents the need to remove the child from the family, and

(ii) a child should be removed from the child's family only when other less disruptive measures are not sufficient to protect the survival, security or development of the child;

(f) subject to clauses (e) and (g), if a child has been exposed to domestic violence within the child's family, intervention services should be provided to the family in a manner that supports the abused family members and prevents the need to remove the child from the custody of an abused family member;

(g) any decision concerning the removal of a child from the child's family should take into account the risk to the child if the child remains with the family, is removed from the family or is returned to the family;

(h) if it is not inconsistent with protecting the survival, security or development of a child who is in need of intervention, and appropriate community services are available, the child or the child's family should be referred to the community for services to support and preserve the family and to prevent the need for any other intervention under this Act;

(i) any decision concerning the placement of a child outside the child's family should take into account

(i) the benefits to the child of a placement within the child's extended family;

(ii) the benefits to the child of a placement within or as close as possible to the child's home community,

(iii) the benefits to the child of a placement that respects the child's familial, cultural, social and religious heritage,

(iv) the benefits to the child of stability and continuity of care and relationships,

(v) the mental, emotional and physical needs of the child and the child's mental, emotional and physical stage of development, and

(vi) whether the proposed placement is suitable for the child;

(j) the provision of intervention services is intended to remedy or alleviate the condition that caused the child to be in need of intervention;

(k) intervention services are most effective when they are provided through a collaborative and multi-disciplinary approach;

(l) if a child is being provided with care under this Act, the child should be provided with a level of care that is adequate to meet the needs of the child and consistent with community standards and available resources;

(m) if a child is being provided with care under this Act, a plan for the care of that child should be developed that

(i) addresses the child's need for stability, permanence and continuity of care and relationships, and

(ii) in the case of a youth, addresses the youth's need for preparation for the transition to independence and adulthood;

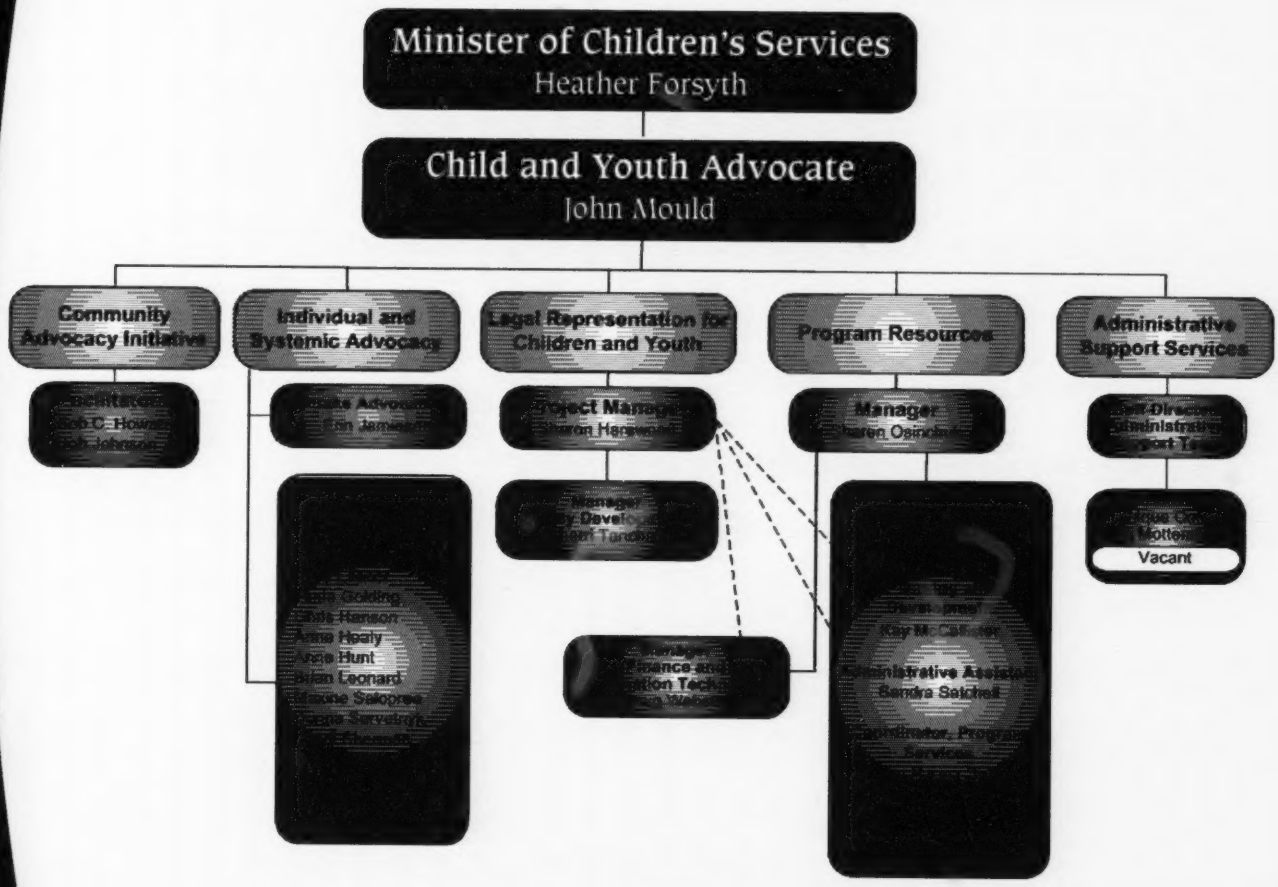
(n) a person who assumes responsibility for the care of a child under this Act should endeavour to make the child aware of the child's familial, cultural, social and religious heritage;

(o) there should be no unreasonable delay in making or implementing a decision affecting a child;

(p) if the child is an aboriginal child, the uniqueness of aboriginal culture, heritage, spirituality and traditions should be respected and consideration should be given to the importance of preserving the child's cultural identity.

RSA 2000 cC-12 s2;2003 c16 s4

Appendix D:
Organizational Chart 2005-2006



Alberta
CHILDREN'S SERVICES